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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

AKILAH HUGHES,

Plaintiff,

v.

CARL BENJAMIN a/k/a “SARGON OF  
AKKAD”; and “JOHN DOES” 1-10,

Defendants.

CASE NO. 17-cv-06493 (RJS)

**DECLARATION OF MICHAEL  
LEE IN SUPPORT OF  
PLAINTIFF'S LETTER  
MOTION FOR SERVICE OF  
PROCESS VIA EMAIL**

MICHAEL LEE, hereby affirms and states under penalty of perjury as prescribed by 28 U.S.C. § 1746:

1. I am an active member of the bar of the State of New York and Partner with the law firm Morrison & Lee LLP. This declaration is submitted in support of Plaintiff Akilah Hughes’ (“Plaintiff”) letter motion to serve Defendant Carl Benjamin (“Defendant”) process via email.

2. The declaration is submitted on my own personal knowledge and after a review of any relevant documents.

3. I have personal knowledge of the facts stated herein and if called upon to testify to those facts I could and would competently do so.

4. The address used to serve Defendant was provided by Defendant to Plaintiff in a Digital Millennium Copyright Act counter-notification dated November 22, 2016 sent to YouTube. *See* Complaint, Exhibit A. This is the only address that could be located for Defendant.

5. Subsequent to the filing of this action, my firm and I performed additional due diligence and cannot locate an alternative address for Defendant.

6. On November 13, 2017, I received a letter via e-mail from Wesley M. Mullen of Mullen P.C. alleging that service of process on the Defendant was deficient (the “Letter”).

7. In the interest of providing Defendant an opportunity to appear and defend this action, I responded to the Letter and agreed to stipulate to vacate the Certificate of Default and asked if Mr. Mullen would either accept service of process on behalf of Defendant or provide a viable address for the Defendant to be served at. Mr. Mullen refused to do so.

8. Defendant identifies the intotheaether@hotmail.co.uk email on his YouTube channel’s “About” page and in YouTube video descriptions as an email address through which donations can be made using PayPal to support his channel. A representative sample of screenshots showing Defendant’s identification of this email address is attached hereto and incorporated herein by reference.

WHEREFORE, it is respectfully requested that Plaintiff’s motion be granted.

Date: December 5, 2017


  
Michael Lee (WL 6353)

# **Exhibit A**



Secure | <https://www.youtube.com/watch?v=6klCrsajw24>


YouTube Search



0:01 / 12:40

Patreon and Paypal tip email address

64,284 views 274 43 SHARE

 **Sargon of Akkad** Published on Mar 30, 2014

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